

**SENATE JOURNAL
66TH LEGISLATURE
TWENTIETH LEGISLATIVE DAY**

Helena, Montana
February 1, 2019

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Brown. Pledge of Allegiance to the Flag.

Roll Call. Forty-nine members present, Senator Sesso excused. Quorum present.

BILLS AND JOURNALS (Keenan, Chair): 2/1/2019

Mr. President: We, your committee on Bills and Journals, having examined the daily journals for the eleventh through the fifteenth legislative days, find the same to be correct.

Correctly printed: **SB 12, SB 23, SB 126, SB 163, SB 198, SR 21, SR 22, SR 23, SR 24.**

Correctly engrossed: **SB 60, SB 91, SB 133.**

Transmitted to the House: **SB 4, SB 45, SB 68, SB 115, HB 60.**

Signed by the Secretary of the Senate at 3:20 p.m., January 31, 2019: **SB 62.**

Signed by the President at 7:45 a.m., February 1, 2019: **SB 62.**

Signed by the Speaker at 8:15 a.m., February 1, 2019: **SB 62.**

Delivered to the Governor at 8:49 a.m., February 1, 2019: **SB 62.**

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hoven, Chair): 1/31/2019

SB 91, introduced bill, be amended as follows:

1. Title, page 1, line 5.

Following: "CIRCUMSTANCES;"

Strike: "AND"

2. Title, page 1, line 6.

Following: "61-10-128, MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 30.

Following: "loading"

Insert: "or point of unloading"

4. Page 2, line 2.

Following: line 2

Insert: "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

And, as amended, do pass.

SB 133, introduced bill, be amended as follows:

1. Title, page 1, line 6.

Following: "BOARD;"

Insert: "PROHIBITING LIVESTOCK LOSS MITIGATION PAYMENT WITHOUT PROOF OF PER
CAPITA FEE PAYMENT;"

2. Page 2, line 9.

Following: "15-24-921."

Insert: "A livestock producer may not receive a reimbursement for losses if the producer has not
paid the previous year's per capita fee."

And, as amended, do pass.

FISH AND GAME (Fielder, Chair):

1/31/2019

SB 70, do pass.

SB 79, do pass.

SB 144, do pass.

Without objection, committee reports were adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/31/2019

HB 50, introduced by J. Krautter

HB 85, introduced by G. DeVries

HB 91, introduced by V. Ricci

HB 160, introduced by B. Tschida

HB 166, introduced by M. Dunwell

HB 183, introduced by K. Dudik

HB 200, introduced by M. Dunwell

HB 201, introduced by M. Dunwell

HB 213, introduced by L. Jones

HB 234, introduced by J. Karjala

HB 244, introduced by S. Gunderson, requiring adoption by an affirmative roll call vote of two-thirds
of all the members of the Legislature, passed the House and was transmitted to the Senate with
the following vote:

1/31/2019

Yeas - 61

Nays - 38

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

HB 245, introduced by S. Gunderson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

1/31/2019

Yeas - 60
Nays - 39

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced and read first time:

SB 199, introduced by T. Richmond.

SB 200, introduced by R. Webb.

The following House bills were introduced, read first time, and referred to committees:

HB 50, introduced by J. Krautter (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

HB 85, introduced by G. DeVries (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 91, introduced by V. Ricci (by request of the State Auditor), referred to Business, Labor, and Economic Affairs.

HB 160, introduced by B. Tschida, G. DeVries, R. Lynch, referred to Business, Labor, and Economic Affairs.

HB 166, introduced by M. Dunwell, referred to State Administration.

HB 183, introduced by K. Dudik, referred to State Administration.

HB 200, introduced by M. Dunwell, referred to Taxation.

HB 201, introduced by M. Dunwell, referred to Taxation.

HB 213, introduced by L. Jones, K. Bogner, R. Fitzgerald, B. Gillespie, B. Hamlett, T. Richmond, R. Tempel, S. Webber, referred to Taxation.

HB 234, introduced by J. Karjala, referred to State Administration.

HB 244, introduced by S. Gunderson, referred to Judiciary.

HB 245, introduced by S. Gunderson, referred to Judiciary.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cuffe in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

SB 157 - Senator Olszewski moved **SB 157** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 46

Nays: Brown, Kary, Vance.

Total 3

Paired: None.

Excused: Sesso.

Total 1

Absent or not voting: None.

Total 0

SB 99 - Senator C. Smith moved **SB 99** do pass. Motion **failed** as follows:

Yeas: Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Thomas, Vance, Webb.

Total 24

Nays: Ankney, Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gillespie, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Tempel, Vuckovich, Webber, Welborn.

Total 25

Paired: None.

Excused: Sesso.

Total 1

Absent or not voting: None.

Total 0

SB 99 - Majority Leader Thomas moved **SB 99** be **indefinitely postponed**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Boland, Cohenour, Cuffe, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally,

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

Osmundson, Phillips, Pomnichowski, Richmond, Salomon, Sands, Small, Smith F, Tempel, Vuckovich, Webber, Welborn.
Total 31

Nays: Blasdel, Bogner, Brown, Ellsworth, Fielder, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Regier, Smith C, Thomas, Vance, Webb.
Total 18

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SR 13 - Senator Fitzpatrick moved that the nomination transmitted by the Governor be concurred in and confirmed by the Senate in accordance with **SR 13**. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

HB 46 - Senator Sands moved **HB 46** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber,

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Sesso.

Total 1

Absent or not voting: None.

Total 0

HB 62 - Senator Gauthier moved **HB 62** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Sesso.

Total 1

Absent or not voting: None.

Total 0

HB 89 - Senator Gross moved **HB 89** be concurred in. Senator McConnell expressed a conflict before voting. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

HB 117 - Senator Hinebauch moved **HB 117** be concurred in. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.
Total 49

Nays: None.
Total 0

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 117 - Senator D. Brown moved **SB 117** do pass. Motion carried as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Small, Smith C, Smith F, Tempel, Thomas, Vance, Webb, Welborn.
Total 31

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Pomnichowski, Salomon, Sands, Vuckovich, Webber.
Total 18

Paired: None.

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

Excused: Sesso.

Total 1

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Cuffe moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: None.

Total 0

Paired: None.

Excused: Sesso.

Total 1

Absent or not voting: None.

Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 23 passed as follows:

Yeas: Ankney, Blasdel, Bogner, Brown, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.

Total 29

Nays: Barrett, Bennett, Boland, Cohenour, Ellis, Flowers, Gross, Hoven, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Smith F, Vuckovich,

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

Webber.
Total 20

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SB 126 passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Brown, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, MacDonald, McNally, Mr President, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.
Total 38

Nays: Boland, Cohenour, Jacobson, Malek, McClafferty, McConnell, Pomnichowski, Sands, Smith F, Vuckovich, Webber.
Total 11

Paired: None.

Excused: Sesso.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Fitzpatrick thanked the Pages for their service this week.

MOTIONS

Majority Leader Thomas moved that **SB 117**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SENATE JOURNAL
TWENTIETH LEGISLATIVE DAY - FEBRUARY 1, 2019

Majority Leader Thomas moved the Senate adjourn until 8:00 a.m., Saturday, February 2, 2019, the twenty-first legislative day.

Senate adjourned at 2:08 p.m.

MARILYN MILLER
Secretary of the Senate

SCOTT SALES
President of the Senate